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April 14, 1999

Dockets Management branch (HFA 305)
Food and Drug Administration
5630 Fisheries Lane, Room 1061
Rockville, Maryland 20852

RE: Docket Number 98P-0504

Dear FDA:

I am writing today to express my strong objection to costly and unnecessary rules which you have been asked to consider by the Center for Science in the Public Interest.

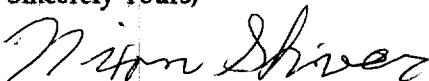
As one who has worked in the oyster industry for many years and who understands the difficulties faced by harvesters, farmers, processors and others who rely on shellfish, I can tell you first hand of the economic damage these proposed rules would inflict upon us.

Most people in our industry own small operations with little financial stability and few cash reserves. Forcing us to comply with mandatory post harvest treatment will drive many out of the business altogether and greatly reduce our limited profits even further. Simply stated, we can't afford the costly equipment and can't absorb the lower consumer demand which will result from treated oysters.

Consumers should have a choice between treated oysters and fresh oysters. The small number of people who may be at risk should heed the ample health warnings available where fresh oysters are sold and assume their own level of personal responsibility just as those who are diabetic must avoid sugar and those who are allergic to sulfites must avoid products which contain them. Those products are not removed from the market or treated to eliminate sulfites, consumers are advised that they should not consume them.

I urge FDA to reject these crippling rules and allow other appropriate independent state and national bodies such as the ISSC to continue their educational and oversight activities as they have in the past.

Sincerely Yours,

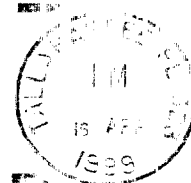


Nick Shiver, Owner

98P-0504

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